

REMARKS

Claims 1-3, 5-7, 9-18, 20, 21, 23-33 and 35-49 are pending in the application, with claims 1, 9, 20, 25, 33, 43, 45 and 47 being the independent claims. Claims 1, 9, 20, 25, 33, 43, 45 and 47 are sought to be amended. Entry and consideration of this amendment is respectfully requested. No new matter is believed to have been introduced by this amendment.

Applicants have made the above Amendment to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Based on the above Amendment and the following Remarks, Applicants respectfully request that the rejections be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 112

Claims 1-3, 5-7, 9-18, 20, 21, 23-33 and 35-49 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that the specification, as originally filed, fails to disclose “causing a receiver to accept an announcement of a second presentation *when the receiver is free to ignore the second presentation announcement*”, as recited in claims 1, 9, 20, 25 and 33. Applicants have amended claims 1, 9, 20, 25 and 33 to remove this language from the claims. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112 be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)

Claims 1-3, 5-7, 9-13, 20, 21, 33 and 35-49 are rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable over the ATVEF specification. Claims 25-32 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the U.S. Patent Application 2002/0059644 (hereinafter referred to as Andrade) in view of the ATVEF specification. Claims 14, 23 and 24 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the ATVEF specification. Claims 15-18 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the ATVEF specification in view of U.S. Patent Application 2002/0007493 (hereinafter referred to as Butler). The Examiner states via Official Notice that it was well known in the art at the time of invention for a plurality of versions of software to be created, such as three or more, as new additions and updates are made, for the typical benefit of ensuring that provided software content is as up-to-date and current as possible. The Examiner states via Official Notice that it was well known in the art at the time of invention to return to previous content after an interruption, such as in instant replay video, by returning to the point where the content was interrupted for the typical benefit of either ensuring that the viewer doesn't miss any of their desired content. The Examiner states via Official Notice that it was well known in the art at the time of invention to return to previous content after an interruption, such as in instant replay video, by returning to the content at the current point in time for the typical benefit of ensuring that only the current relevant content is displayed to the user. Applicant respectfully traverses the rejections to pending claims 1-3, 5-7, 9-18, 20, 21, 23-33 and 35-49 since the ATVEF specification, Andrade, Butler and the Official Notices, either taken alone or in combination, do not teach or suggest each element of

independent claims 1, 9, 20, 25, 33, 43, 45 and 47 (and thus their dependent claims 2, 3, 5-7, 10-19, 21, 23, 24, 26-32, 35-42, 44, 46, 48 and 49) for at least the following reasons.

Independent claims 1, 9, 20, 25, 33, 43, 45 and 47 have been amended to include a similar feature of wherein the second non-identifying information describes one or more characteristics of the first presentation after the second content item that is not part of the first presentation announcement is accepted by the receiver. The ATVEF specification, Andrade, Butler and/or the Office Notices, either taken alone or in combination, do not teach or suggest this feature. Therefore, for at least this reason, independent claims 1, 9, 20, 25, 33, 43, 45 and 47 (and their dependent claims 2, 3, 5-7, 10-18, 21, 23, 24, 26-32, 35-42, 44, 46, 48 and 49) are patentable over the ATVEF specification, Andrade, Butler and/or the Official Notices, either taken alone or in combination. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) be reconsidered and withdrawn.

INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is invited to call the undersigned, Molly A. McCall, at (703) 633-0931 if there remains any issue with allowance of the case.

CONCLUSION

Applicants respectfully submit that all of the stated grounds of objection and rejection have been properly traversed accommodated or rendered moot. Applicants believe that a full and complete response has been made to the outstanding Office Action. Thus, Applicants believe that the present application is in condition for allowance, and as such, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections, and allowance of this application.

Respectfully submitted,

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P10025 Reply to third non-final OA